

April 2, 2021

Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT: A report and recommendation on a proposed amendment to the boundaries of Clifton and CUF for the Community Council Boundary Map which is used for compliance with the notice requirements of Municipal Code Sections 111-1 and 111-5.

GENERAL INFORMATION:

Location: Clifton and CUF neighborhoods
Petitioner: Councilmembers Kearney and Landsman via Clifton Town Meeting
Petitioner's Address: 801 Plum Street, Cincinnati, Ohio 45202

ATTACHMENT:

Provided in addition to this report is the following attachment:

- Exhibit A – Location Map
- Exhibit B – Council Motion 202100232
- Exhibit C – Correspondence

BACKGROUND:

Sections 111-1 (Hearings on Zoning Regulations) and 111-5 (Notice and Hearings on Notwithstanding Ordinances) of the Cincinnati Municipal Code both set the process and procedures for hearings. According to these sections, "A community council shall mean an organization participating in the neighborhood support program or included on a list of community councils approved by the city council and filed with the clerk. The area of representation of a community council shall be shown on a map approved by the city council and filed with the clerk. City Council may approve a map showing an area as being represented by more than one community council."

A map is currently on file with the Clerk of Council showing the boundaries identified by each Community Council as the area of their representation. This map is used by City Staff to determine which Community Council to notify when there is a proposed zone change, zoning hearing, or notwithstanding ordinance. In the case that two or more Community Councils represent one area, the area is designated as a "Overlap Area." When an area is designated as an "Overlap Area," Staff notifies all Community Councils claiming the area.

The information on this map is also available to the general public on the website for Cincinnati Area Geographic Information Systems (CAGIS) (<http://cagisonline.hamilton-co.org/cagisonline/index.html>).

On February 3, 2021, City Council adopted Motion 202100232 from Councilmembers Kearney and Landsman via Clifton Town Meeting to amend the boundaries of Clifton to include Burnet Woods, both sides of Bishop Street, and the area north of West Martin Luther King Jr. Drive between Clifton Avenue and Dixmyth Avenue. Burnet Woods is currently an "Overlap Area" for Corryville and the Heights, which is an inactive Community Council. Amending Clifton's boundary will create new "Overlap Areas" with Corryville, CUF, and the Heights.

During engagement about this proposed boundary change, CUF informed staff that they were going to amend their bylaws to also include Burnet Woods, creating a new "Overlap Area" with Corryville, the Heights, and Clifton. All three active Community Councils agree that Burnet Woods is an important asset to all three neighborhoods and that all three should receive notification for anything happening in Burnet Woods. CUF voted to change their bylaws to include their boundary on March 16, 2021.

NEW OVERLAP AREAS:

The proposed boundary changes for Clifton and CUF will result in the creation of new “Overlap Areas.” Since staff will notify all Community Councils claiming an “Overlap Area,” it ensures that all groups claiming an area will receive notification and have the opportunity to review and provide comment. The new “Overlap Areas” created as a result of these boundary changes include:

Clifton – Heights – Corryville - CUF:

Burnet Woods located at the northeast corner of Clifton Avenue and West Martin Luther King Jr. Drive is currently represented by Corryville and the Heights (an inactive Community Council). Clifton and CUF are also requesting to include Burnet Woods as their boundary, which will create an “Overlap Area” between all four neighborhoods. The three active Community Councils agree that all three neighborhoods should be notified for anything requiring public notification in Burnet Woods.

Clifton - Corryville:

Both sides of Bishop Street are currently represented by Corryville. Clifton is requesting to include properties on both sides of Bishop Street into their boundary. Corryville does not object to this new “Overlap Area.”

Clifton – CUF – Heights:

Clifton’s current southern boundary west of Clifton Avenue is Dixmith Avenue from Clifton Avenue to West Martin Luther King Jr. Drive. Clifton is proposing to expand this boundary to include the area bound by Dixmyth Avenue to the north, Clifton Avenue to the east, and West Martin Luther King Jr. Drive to the south and west. This area includes Good Samaritan Hospital and Hebrew Union College. Doing so will create an “Overlap Area” with CUF for the entire area and with CUF and the Heights for 3003-3043 Clifton Avenue along the west side of Clifton Avenue south of Hebrew Union College.

REMOVED OVERLAP AREAS:

Clifton – Spring Grove Village:

The proposed boundary change for Clifton includes Interstate-75 as its northern boundary. Clifton currently has an “Overlap Area” with Spring Grove Village, which includes an area south of the Mill Creek’s northern shore between Crawford Avenue and Clifton Avenue. This area contains the Mill Creek and several railroad lines. Under these proposed changes, this “Overlap Area” will be removed.

ROLE OF THE CITY PLANNING COMMISSION:

According to Article VII, Section 3 of the Charter of the City of Cincinnati: “The powers and duties of the commission shall be to make plans and maps of the whole or any portion of the city and of any land outside the city which, in the opinion of the commission, bears a relation to the planning of the city, and to make changes in additions to and extensions of such plans or maps when it deems same advisable.”

PUBLIC COMMENT:

Prior to the Council Motion, Clifton Town Meeting (CTM) reached out to CUF Neighborhood Association (CUFNA) and Corryville Community Council (CCC) to inform them of their proposed boundary changes. CUFNA sent City Planning staff a letter expressing no objection and requested to change their boundary to include Burnet Woods as well. Staff reached out to CCC to ensure they had been notified by CTM of the proposed change. The CCC responded that they agreed that for matters related to Burnet Woods that require notification, CCC, CUFNA, and CTM should all be notified. The CCC does not support or object both sides of Bishop Street being a new “Overlap Area.”

CONSISTENCY WITH PLAN CINCINNATI:

The application for a change in zoning is consistent with Goal 1 of the Collaborate Initiative Area of *Plan Cincinnati* (2012), which is to “Work in synergy with the Cincinnati Community” (page 209). An Action Step of this Goal is to “Improve City-Community communication channels” (page 211). This change will ensure that these Community Councils will be properly notified for projects in within the area that they represent.

RECOMMENDATION:

The Staff of the Department of City Planning recommends that the City Planning Commission take the following action:

APPROVE the proposed amendment to the boundaries of Clifton and CUF for the Community Council Boundary Map which is used for compliance with the notice requirements of Municipal Code Sections 111-1 and 111-5.

Respectfully submitted:



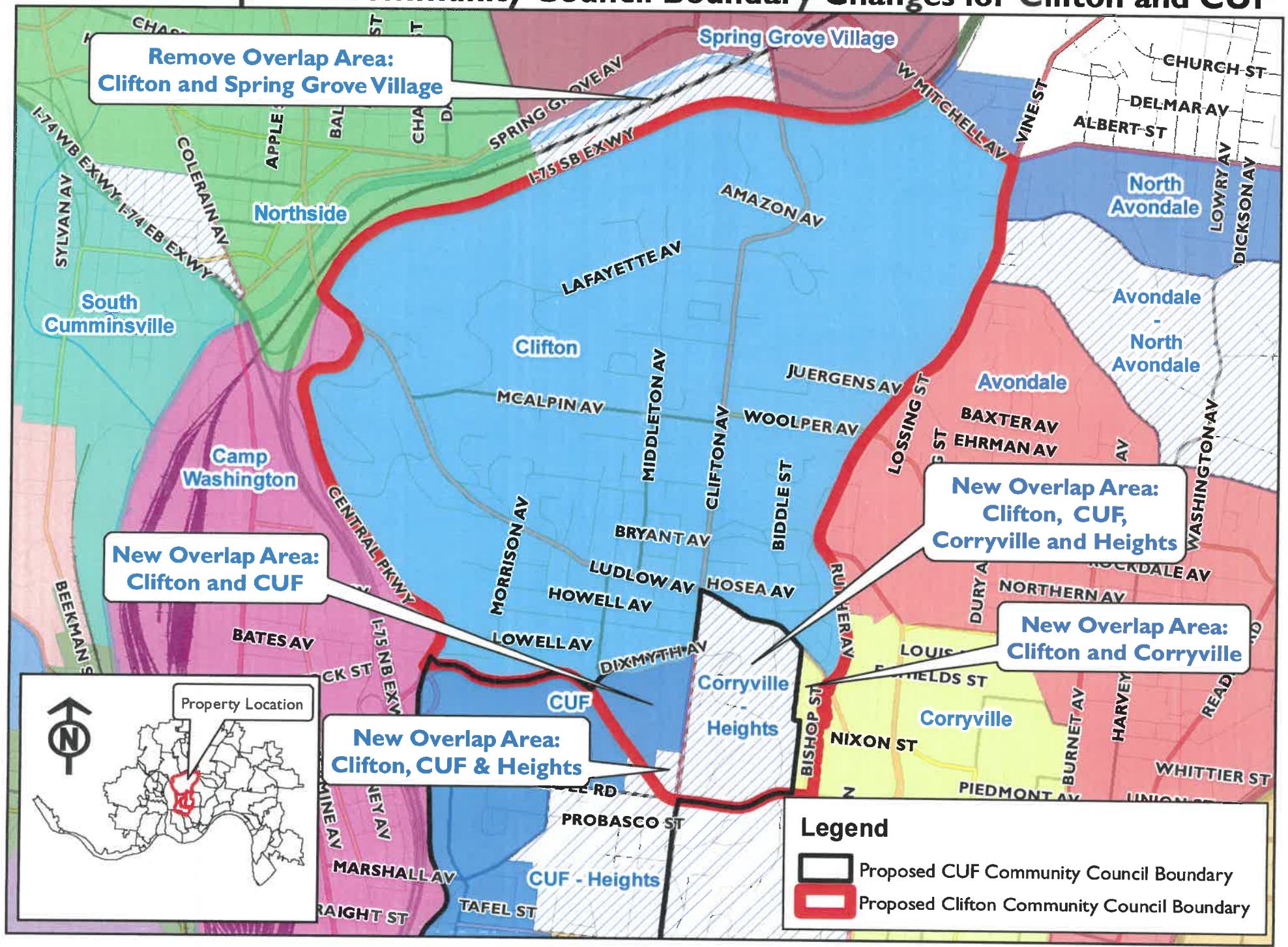
James Weaver, AICP, Senior City Planner
Department of City Planning

Approved:



Katherine Keough-Jurs, AICP, Director
Department of City Planning

Exhibit A: Proposed Community Council Boundary Changes for Clifton and CUF



City of Cincinnati



801 Plum Street, Suite 346 A
Cincinnati, Ohio 45202

Phone (513) 352 5205
Email Jan-Michele-Kearney@cityofcincinnati.org
Web www.cityofcincinnati.org

202100232

Jan-Michele Lemon Kearney
Councilmember

MOTION

WE MOVE for the Department of City Planning to work with the Clifton, CUF and Corryville neighborhoods to update all official overlay district maps to reflect accurate neighborhood boundaries.

Councilmember Greg Landsman

Councilmember Jan-Michele Lemon Kearney



NEIGHBORHOOD ASSOCIATION
representing Clifton Heights | University Heights | Fairview

February 2, 2021

**Resolution Requesting City to Include Multiple Community Councils
with Overlap Areas**

The Clifton Heights - University Heights - Fairview Neighborhood Association (CUFNA), the City-recognized Community Council for the neighborhoods of Clifton Heights, University Heights, and Fairview, acknowledges that its boundaries per its Bylaws may overlap those of another Council, Clifton Town Meeting, for the neighborhood of Clifton.

CUFNA requests that the City regard both Councils to have standing for the purposes of notification, public engagement, queries, and consideration of the views, opinions, and requests of their respective constituencies.

This acknowledgement holds as long as it is reciprocal or until rescinded by either Council, whichever may come first.

Passed by Clifton Heights - University Heights - Fairview Neighborhood Association on February 2, 2021.

Charles Kussmaul, President CUFNA

CC: Katherine Keough-Jurs katherine.keough-jurs@cincinnati-oh.gov
Joe Brunner, Clifton Town Meeting, CTMPresident@cliftoncommunity.org
Bill Crawford, Corryville Community Council, corryvillecc@outlook.com



NEIGHBORHOOD ASSOCIATION
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CUFNA requests that the City regard both Councils to have standing for the purposes of notification, public engagement, queries, and consideration of the views, opinions, and requests of their respective constituencies.

This acknowledgement holds as long as it is reciprocal or until rescinded by either Council, whichever may come first.

Passed by Clifton Heights - University Heights - Fairview Neighborhood Association on February 2, 2021.

Charles Kussmaul, President CUFNA

CC: Katherine Keough-Jurs katherine.keough-jurs@cincinnati-oh.gov
Joe Brunner, Clifton Town Meeting, CTMPresident@cliftoncommunity.org
Bill Crawford, Corryville Community Council, corryvilleecc@outlook.com

Weaver, James

From: Daniel Luther <Lutherdv@Zoomtown.com>
Sent: Thursday, March 4, 2021 5:07 PM
To: Weaver, James; 'Malcolm Montgomery (EduTech)'
Cc: corryvillecc@outlook.com; 'Lin Ziegler'; 'Charles Kussmaul'; Keough-Jurs, Katherine; brunnerjm@gmail.com; Hollstein, Leah
Subject: RE: [External Email] Clifton Town Meeting Request that City Update Official Record of CTM Boundaries

Follow Up Flag: Follow up
Flag Status: Flagged

Hi again,

Below is an official correspondence from the Corryville Community Council via its Board Secretary, Dr. Leah Hollstein:

“Corryville is happy to have neighboring Clifton and CUF incorporate Corryville's Burnet Woods into their own boundaries for purposes of notification, understanding that all three neighborhoods are protective of the integrity and viability of Burnet Woods as a continuing Cincinnati asset. The extension of Clifton's boundary on the east side of Burnet Woods past Bishop Street is an overlap with Corryville's existing boundaries, which extend north along Jefferson and Ludlow Avenues to Clifton Avenue on the west side of Burnet Woods.”

Corryville deems its participation in this matter closed. Should you need anything else from us, feel free to reach out. Returning now to the adventures on Short Vine.

-Daniel V. Luther, Esq.

Corryville Community Development Corp.
283 E Martin Luther King Drive
Cincinnati, Ohio 45219
(513) 221-1687
Lutherdv@Zoomtown.com

From: Daniel Luther [mailto:Lutherdv@Zoomtown.com]
Sent: Thursday, March 04, 2021 1:31 PM
To: 'Weaver, James' <James.Weaver@cincinnati-oh.gov>; 'Malcolm Montgomery (EduTech)' <Malcolm-CTM@edutech.us>
Cc: 'corryvillecc@outlook.com' <corryvillecc@outlook.com>; 'Lin Ziegler' <zieglerl@fuse.net>; 'Charles Kussmaul' <cintiwood13@gmail.com>; 'Keough-Jurs, Katherine' <Katherine.Keough-Jurs@cincinnati-oh.gov>; 'brunnerjm@gmail.com' <brunnerjm@gmail.com>
Subject: RE: [External Email] Clifton Town Meeting Request that City Update Official Record of CTM Boundaries

Hi Folks,

Chiming in from the land of Short Vine, I was unaware that Corryville was holding up Clifton's process, or that Corryville has the power to hold up the process of any neighborhood outside of Corryville's borders. This notion is supported by an email from Malcolm received Monday, March 1st which concludes with:

Exhibit C

“We were asked to ensure your councils are aware of our request. It is our understanding that recognition of our formal boundaries will provide a basis for notifying and including our council in matters of interest therein, without detracting from your councils’ standing. **No action is required on your part.**” (Highlights mine).

That ending should have been enough to move the message into the “taken care of” file, but I took a moment to email the Corryville Community Council Board asking for an official statement regarding Clifton’s request. Specifically, I tasked our Board Secretary to pen out a sentence or two. I’ll flip that to you when I get it, but she may be waiting for Tuesday night, our next general meeting.

The Neighborhoods of Uptown has taken up the item of Burnet Woods several times over the years. CUF reps, CTM reps, and CCC reps all agree that if anything happens with Burnet Woods, all three communities MUST be at the table. This led to the idea, a couple years back, for CUF and CTM to ensure that their official boundaries include Burnet Woods. I, as the CCC rep in those discussions, did not object to the other neighborhoods adopting the greenspace, but maintain that Burnet Woods is original Corryville property. So, yes, Corryville has been aware that Burnet Woods would be “Mutually claimed territory” for years.

Clifton also desires a second “Mutually claimed territory” centered around Bishop Street. CCC sees the east side of the street (including all of the Bishop Triangle greenspace) as Corryville’s boundary line and the west side of the street, and the residences there, as Clifton. Corryville would say draw a line right down the middle of street.

Clifton’s new map includes those houses on the east side of the street. Corryville, without conceding the east side of Bishop, sees the logic of Clifton incorporating the area into their boundaries, and Corryville has no issues with that.

In closing, how do I get Corryville out of Clifton’s process? Is the note from my Board Secretary my “Get out of Clifton free” card?

Oh – From the shameless self-promotion file, have you ever wondered why Vine turns into Jefferson in Corryville and then back into Vine? Click the link below, and you’ll find out within four minutes and fifty one seconds. ;)

[OKI Wanna Know: Why Does Vine Street Stop Being Vine Street In Corryville? | WVXU](#)

-Daniel V. Luther, Esq.

Corryville Community Development Corp.
283 E Martin Luther King Drive
Cincinnati, Ohio 45219
(513) 221-1687
Lutherdv@zoomtown.com

From: Weaver, James [<mailto:James.Weaver@cincinnati-oh.gov>]
Sent: Thursday, March 04, 2021 12:46 PM
To: Malcolm Montgomery (EduTech) <Malcolm-CTM@edutech.us>
Cc: lutherdv@zoomtown.com; corryvillecc@outlook.com; Lin Ziegler <zieglerl@fuse.net>; Charles Kussmaul <cintiwood13@gmail.com>; Keough-Jurs, Katherine <Katherine.Keough-Jurs@cincinnati-oh.gov>; brunnerjm@gmail.com
Subject: RE: [External Email] Clifton Town Meeting Request that City Update Official Record of CTM Boundaries

Malcolm,

Exhibit C

I am attaching an email I sent you on 11/9/2020 that stated we would like to see an agreement from CUF and Corryville prior to officially requesting it to City Council to make this an overlap area. We aren't moving the target, our position has not changed.

Yes, your bylaws have remained the same, which is the first step. The officially City recognized Community Council Boundary of the City does not always represent what the neighborhood has as their boundaries. For instance, your boundaries leave out the Vine Street Hill Cemetery. North Avondale doesn't claim it either, and we can't have areas that are not claimed by any neighborhood.

As we have said all along, once we hear from Corryville, we will move this forward.

From: Malcolm Montgomery (EduTech) <Malcolm-CTM@edutech.us>
Sent: Thursday, March 4, 2021 12:29 PM
To: Weaver, James <James.Weaver@cincinnati-oh.gov>
Cc: lutherdv@zoomtown.com; corryvillecc@outlook.com; Lin Ziegler <zieglerl@fuse.net>; Charles Kussmaul <cintiwood13@gmail.com>; Keough-Jurs, Katherine <Katherine.Keough-Jurs@cincinnati-oh.gov>; brunnerjm@gmail.com
Subject: Re: [External Email] Clifton Town Meeting Request that City Update Official Record of CTM Boundaries

James, please clarify: What exactly do we need to do to bring the official City record of CTM's boundaries in line with our official published Bylaws? To be clear, we are not asking to *change* our boundaries; they have remained the same since at least 1992, the earliest Bylaws version I have found.

I feel like we're chasing a moving target because:

- First, we were told we need only request the correction and include a copy of our Bylaws detailing our boundaries. Check.
- Then, to send an official request from our president. Check.
- Next to work with a City Councilmember sponsor. Check.
- And then to notify overlapping councils. Check.
- Now we must wait for Corryville's formal approval. We asked, but their response is not under our control.

I think I understand the need, or at least the value of all but the latest requirement. It could hold up the whole process for a step that seems unnecessary: If the City is not using this record to adjudicate boundary overlaps, and its sole purpose is to decide whom to include — not exclude — for notifications, then what is the purpose of requiring another cc's approval? Especially since our boundaries have not changed for decades?

Daniel Luther, who had regularly represented CCC at the Neighborhoods of Uptown collaborative association, assured me CCC has no objection. I don't know what else I can do.

I really want to bring this to completion. What do we need to do?

Thanks,

Malcolm

Malcolm Montgomery
Trustee, Clifton Town Meeting

Committees:
Business

Exhibit C

Transportation & Public Safety
Housing & Zoning (chair)
Governance Committee (chair)
Support CCAC in Clifton (chair)

Member:

Clifton Business Association

Contact:

222 Hosea Avenue
Cincinnati, OH 45220
Cell 513-884-0944
Malcolm-CTM@edutech.us

Disclaimer: Statements and opinions above are those of the writer and not necessarily the organization unless identified as such.

On Mar 3, 2021, at 9:10 AM, Weaver, James <James.Weaver@cincinnati-oh.gov> wrote:

Hello all,

To make it easier than trying to read a legal description of their desired boundary, I've attached a map. It would create a new "overlap area" between Clifton and Corryville for Burnet Woods and properties on both sides of Bishop Street.

This isn't a big deal to us...we use this boundary primarily for notification purposes and notify Community Councils within 400 feet of a proposed project that requires notification anyway, so this wouldn't really be a change as far as City Planning processes.

When a neighborhood wants to change their City recognized Community Council boundary, we try to stay out of negotiations between neighborhoods but we do ask that adjoining neighborhoods have the discussion before officially making any changes. I've heard from CUF okaying the changes that affect them but haven't gotten any official correspondence from Corryville.

Thanks
James

From: Malcolm Montgomery (EduTech) <Malcolm-CTM@edutech.us>
Sent: Monday, March 1, 2021 6:08 PM
To: lutherdv@zoomtown.com; corryvillecc@outlook.com; Lin Ziegler <zieglerl@fuse.net>; Charles Kussmaul <cintiwood13@gmail.com>
Cc: Keough-Jurs, Katherine <Katherine.Keough-Jurs@cincinnati-oh.gov>; Weaver, James <James.Weaver@cincinnati-oh.gov>; brunnerjm@gmail.com
Subject: [External Email] Clifton Town Meeting Request that City Update Official Record of CTM Boundaries

External Email Communication

Daniel, Bill, Lin, Chip:

As previously discussed with all of you, Clifton Town Meeting is asking the City to correct the official City record of CTM's boundaries to match those established in our Bylaws over 28 years ago:

Exhibit C

ARTICLE III. JURISDICTION For the purposes of this organization, the term "Clifton" shall include the land encompassed within the following boundaries: A line running from the intersection of Vine Street and Ruther Ave., south on Ruther to Jefferson Ave., across Jefferson and south along the east lines of the properties fronting on the east side of Bishop St. to Martin Luther King Jr. Drive, west on Martin Luther King Jr. Drive to Central Parkway, north on Central Parkway to Ludlow Ave., northwest on Ludlow Ave. to Interstate Highway I-75, northeast on I-75 to west boundary of the Vine St. Hill Cemetery, south and east on the west and south boundaries of the Cemetery to Vine St., south on Vine to Ruther.

We were asked to ensure your councils are aware of our request. It is our understanding that recognition of our formal boundaries will provide a basis for notifying and including our council in matters of interest therein, without detracting from your councils' standing. No action is required on your part.

Please let me know if you have further questions or concerns.

Thanks,
Malcolm

Malcolm Montgomery
Trustee, Clifton Town Meeting

Committees:

Business
Transportation & Public Safety
Housing & Zoning (chair)
Governance Committee (chair)
Support CCAC in Clifton (chair)

Member:

Clifton Business Association

Contact:

222 Hosea Avenue
Cincinnati, OH 45220
Cell 513-884-0944

Malcolm-CTM@edutech.us

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<Clifton Desired Boundary.pdf>